

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

CECIL GREEN,

Plaintiff,

v.

CIVIL ACTION NO. 2:15-cv-02664

STATE OF WEST VIRGINIA, et al.,

Defendant.

ORDER

Pending before the Court is Plaintiff Cecil Green's Complaint, (ECF No. 1), and Application to Proceed Without Prepayment of Fees and Costs. (ECF No. 5.) By Standing Order entered on March 6, 2015, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition ("PF&R"). (ECF No. 3) Magistrate Judge Tinsley filed his PF&R on November 7, 2017, recommending that this Court dismiss this civil action, pursuant to the provisions of 28 U.S.C. §§ 1915(e)(2)(B) and 1915A, deny Plaintiff's Application to Proceed Without Prepayment of Fees and Costs, (ECF No. 5), and waive the applicable filing fee. (ECF No. 8.)

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Plaintiff's right to appeal this

Court's order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a de novo review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

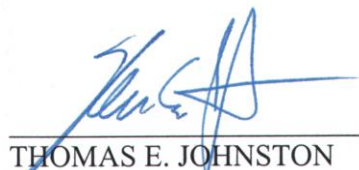
Objections to the PF&R in this case were due November 24, 2017. (ECF No. 8 at 10.) To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 8), **DISMISSES** the Complaint, (ECF No. 1), **DENIES** Plaintiff's Application to Proceed Without Prepayment of Fees (ECF No. 5), and waives the applicable filing fee. The Court **DIRECTS** the Clerk to remove this case from the Court's docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: December 13, 2017



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE